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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 JENS ERIK SORENSEN,

12 Plaintiff,

13 vs.

14 HELEN OF TROY and OXO
15 INTERNATIONAL LTD.,

16 Defendant.

CASE NO. 07CV2278 BTM (CAB)

ORDER RE: (1) PLAINTIFF'S
REQUEST FOR DEFAULT AND (2)
DEFENDANT'S MOTION FOR STAY
PENDING PATENT
REEXAMINATION

17 For the reasons set forth on the record at the status conference held on February 25,
18 2008, the Court denies Plaintiff's request for entry of default and grants Defendants 60 days
19 from the date of the status conference to file their answer on behalf of the correct entities
20 served in this action. The Court orders the Clerk of the Court not to enter default pursuant
21 to Plaintiff's request for entry of default. (Docket No. 20.)

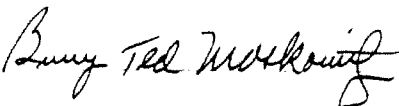
22 Also, for the reasons stated on the record and in the Court's order granting stay in
23 Sorensen v. Black and Decker, 06cv1572, Docket No. 243, the Court also GRANTS without
24 prejudice Defendant's motion for stay. The Court concludes that a reasonable stay is
25 appropriate in this case because the litigation is in its early stages, Plaintiff has not
26 established undue prejudice, and the reexamination will simplify issues for the Court and
27 save expense for the parties. See, e.g., Xerox Corp. v. 3Com Corp., 69 F. Supp. 2d 404,
28 406 (W.D.N.Y. 1999). However, if it appears that the reexamination will not be effected within

1 a reasonable time, Plaintiff may move to vacate the stay. Additionally, any party may apply
2 to the Court for an exception to the stay if it has specific, valid reasons to believe that it
3 needs to obtain discovery in order to preserve evidence that will otherwise be unavailable
4 after the stay. Defendant is ordered to file a notice informing the Court of the PTO's decision
5 on the pending application for reexamination within 10 days of receipt of such decision.

6 Finally, during the status conference held on February 25, 2008, the Court discussed
7 with the parties the option of transferring the various cases filed by Plaintiff regarding the '184
8 patent and initiating a consolidated multi-district litigation proceeding. The parties informed
9 the Court that they would consider the matter and inform the Court of its decision.

10 IT IS SO ORDERED.

11 DATED: February 28, 2008

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13 Honorable Barry Ted Moskowitz
14 United States District Judge
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